

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

COMPLAINT

(for filers who are prisoners without lawyers)

2020 MAY -4 P 1: 10

CLERK OF COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Jose Guillermo Santiago Jr.

v.

Case Number:

(Full name of defendant(s))

20-cv-00687

(to be supplied by Clerk of Court)

Doctor Gilbert

Doctor Panos

Doctor Lee

Kristan Vagquez, Laura Frazier

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

Ozaukee-West, R.C.I. P.O BOX 900, Sturtevant, WI. 53177
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Doctor Gilbert

(Name)

is (if a person or private corporation) a citizen of Wisconsin

3. Defendant Dr. Panos
Wisconsin
Department of Correction, Health Services
2019 Wisconsin Street
Sturtevant, Wisconsin 53177

4. Defendant Dr. Lee
Wisconsin
Department of Correction, Health Services
2019 Wisconsin Street
Sturtevant, Wisconsin 53177

5. Defendant Kristan Vagquez
Wisconsin
Department of Correction, Health Service
2019 Wisconsin Street
Sturtevant, Wisconsin 53177

6. Defendant Laura Frazier
Wisconsin
Department of Correction, Health Service
2019 Wisconsin Street
Sturtevant, Wisconsin 53177

(State, if known)
and (if a person) resides at Wisconsin
(Address, if known)
and (if the defendant harmed you while doing the defendant's job)
worked for Racine Correctional 2019 Wisconsin Street
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

Doctor Gilbert and everyone who works at the Health Service Unit,

In October of the year 2019 I was scheduled to have my tooth extracted by Dr. Gilbert.

After the procedure was done he asked me if I was allergic to anything and I answered Yes I am.

I told him that I was allergic to Augmentum. He then prescribed me some Amoxicicilen. After

taking the prescribed medication for several days I noticed that my feet, hands, and face were

swollen and I was starting to break out in a rash and hives all over my body. I wrote to H.S.U.

to let them know what was going on and if this had to do with my lupus. I was called up to H.S.U.

the next day. I was seen by a nurse and she asked me what was I doing different. I told her that
nothing has changed. She then asked me if I changed the soap I used when I take a shower and I
told her no. She then asked me if I was using a different washing powder when I washed clothes and

I answered her no. She then asked me what has changed and I told her that I had my tooth removed.

I then told her that the dentist prescribed some amoxicicilen to prevent any infection from
happening. She then said oh shit he was not suppose to give you that because you are allergic to

amoxicicilen and that medication falls under the scope of the umbrella. She then said if he would
of scanned your i.d. he would of seen what you are allergic to, see. She showed me how a red flag
shows up when you scan my i.d.. She then left the room and went to talk to Dr. Mclean and to
Dr. Gilbert. When she returned she told me that she was going to send me some medication to help
with the allergic reaction I was having and some lotion for the itch. Luckily another nurse
happened to be in the room and she told her that she could not send me back and that she has to
follow the emergency protocol. She then left the room and came back and gave me some benedryl and
sent me back to the unit. I then was called to H.S.U. several times over several days to be
checked on and to see how I am doing. I again was called up to H.S.U. on Saturday the 26th of
October to be seen by another nurse. She asked me if there was anything else going on and I told
yes I am having trouble swallowing and breathing. She then asked me to open my mouth and she
looked inside. I the told her that I am starting to panic because I am having trouble breathing.
She told me to sit down and not to panic as she called 911. She then called a white shirt named
launderville and he came to H.S.U. with another staff member. They then grabbed me under my arms
and proceeded to take me down the stairs out back to the ambulance. Once in the ambulance I was
given a shot and they put an oxygen mask on me. When we arrived at the hospital I was seen by a
doctor and she put me on a drip and then they gave me a shot that burned like heck all over my
body for a few seconds. Then after several hours I was sent back to the prison. When the allergic
reaction did not leave Dr. Mclean sent me out to be seen by a doctor who is a specialist in
allergies. She then put me on some different medications to try and help with the allergic
reaction and to this date April 21st 2020 I still suffer from it and it is still inside me.
This allergic reaction is still inside me and whenever I sweat my whole body gets red and swollen
breaks out in hives and starts to itch. If Dr. Gilbert would of followed the proper procedure by
scanning my I.D. before he prescribed the medication he would of seen what I was allergic to and
he would of known that amoxicicilen is in the family tree of augmentum. The proceudre here is that
when you take your medication or one is prescribed for you the staff here have to scann your I.D..
Because of the defendants lack of care and not following protocol I am still suffering
physically and mentally.

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I am seeking Compensatory Damages in the amount of \$25,000 from each of
the five defendants; Punitive Damages of \$15,000 each from the five defendants;
and future Medical Treatment, and to be free from physical and mental pain. Total
amount of damages is \$200,000. I also want Dr. Gilbert to be fired from working
here and his license revoked so no other person has to go threw this and maybe
end up dying because of his negligence. Declaratory relief pursuant to Federal
Authority, Title 28 U.S.C. Sec. 2201 and 2002; A jury trial on all issues triable
by a jury; Plaintiff's cost of this action; Prohibit the defendants from contacting
RCI to have the plaintiff transferred to any other institution without the
plaintiffs consent during the remainder of his prison sentence. Also a preliminary
and permanent injunction which prohibits the defendants, their successors in

office, agents, and employees, and all other person in active concert and participation with them from harassing, threatening, punishing or retaliating in any way against the plaintiff herein because he filed this action against them. Thus, such other and further relief as this court deems just, proper and equitable.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 22nd day of April 2020.

Respectfully Submitted,


Signature of Plaintiff

200908

Plaintiff's Prisoner ID Number

Ozaukee-West, R.C.I.

P.O. BOX 900, Sturtevant, WI. 53177

(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE

☒ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.